

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ETP RIO RANCHO PARK, LLC; FAC-ABQ,
LLC; JUNGLE JAM, LLC and DUKE CITY
JUMP, LLC,

Plaintiffs,

vs.

No. CIV 21-0092 JB/KK

MICHELLE LUJAN GRISHAM; TRACIE C.
COLLINS and TIM Q. JOHNSON,

Defendants.

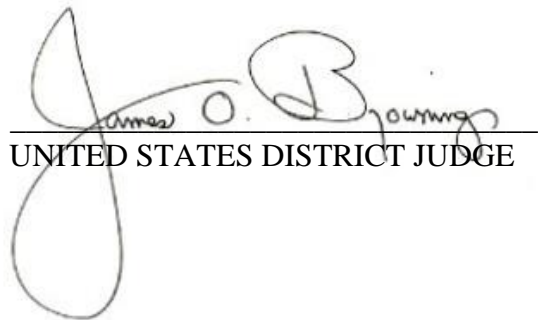
ORDER¹

THIS MATTER comes before the Court on the Defendants’ Opposed Motion to Vacate Preliminary Injunction Hearing and Set Expedited Briefing Schedule, filed February 11, 2021 (Doc. 14)(“Motion”). The Court held a hearing on February 23, 2021. See Clerk’s Minutes at 1, filed February 23, 2021 (Doc. 19). The primary issue is whether the Court should vacate the scheduled preliminary injunction hearing, given that Defendants Governor Michelle Lujan Grisham, Secretary Tracie C. Collins, and Tim Q. Johnson filed a Motion to dismiss Plaintiffs’ Verified Complaint for Violation of Constitutional Rights to Due Process and Equal Protection and Request for Preliminary and Permanent Injunctive Relief, filed February 11, 2021 (Doc. 13)(“MTD”). The Court concludes that, given the Court’s busy docket and its desire to conserve judicial resources, vacating the hearing and rescheduling it for a later date would be inappropriate. The Court therefore will deny the Motion.

¹This Order disposes of the Defendants’ Opposed Motion to Vacate Preliminary Injunction Hearing and Set Expedited Briefing Schedule, filed February 11, 2021 (Doc. 14). The Court will issue a Memorandum Opinion at a later date fully detailing its rationale for its decision.

At the hearing, the Court explained that it had an extremely busy docket and that it was about to start a three-and-a-half week jury trial. See Draft Transcript of Hearing at 12:23-13:1 (taken February 23, 2021)(Court).² The Court noted that neither it, nor the parties, had “all the time in the world,” given the Court’s busy schedule. Tr. at 12:23-13:1 (Court). The Court explained that it had already rearranged its schedule to be able to hold the preliminary injunction hearing, and that to find another time to hold the multi-day hearing would take “quite a while” and “seems like a tall order.” Tr. at 13:21-14:1 (Court). The Court also emphasized that, because the Plaintiffs -- ETP Rio Rancho Park, LLC, FAC-ABQ, LLC, Jungle Jam, LLC, and Duke City Jump, LLC -- had requested emergency injunctive relief, they were entitled to have their motion heard on an expedited bases. See Tr. at 14:3-9 (Court). For the reasons stated on the record, therefore, the Court will deny the Motion. See Tr. at 12:23-14:9 (Court).

IT IS ORDERED that the Defendants’ Opposed Motion to Vacate Preliminary Injunction Hearing and Set Expedited Briefing Schedule, filed February 11, 2021 (Doc. 14), is denied.



UNITED STATES DISTRICT JUDGE

²At the hearing, the Court orally denied the Motion, then went on to hold a hearing on the preliminary injunction. See Draft Transcript of Hearing at 12:23-13:1 (taken February 23, 2021)(Court). The Court’s citations to the transcript of the hearing refer to the court reporter’s original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

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